

# Language Assistance Plan

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For Limited English  
Proficiency Persons

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## DEFINITIONS

- Bilingual: The ability to speak two languages fluently.
- Caltrans Division of Rail and Mass Transit (DRMT): Caltrans Division of Rail and Mass Transit. Caltrans DRMT's primary responsibility is the administration of State and Federal Grant Programs that provide funding for operating assistance and capital improvement projects. Caltrans DRMT also provides technical assistance to agencies responsible for public transportation services.
- Caltrans Division of Rail and Mass Transit (DRMT) Customers: Caltrans-administered state and federal grant recipients including transit agencies, municipalities, planning agencies and community-based organizations.
- Federal Department of Transportation (DOT) Guidance: Policy guidance concerning recipients' responsibilities to Limited English Proficient Persons as provided in Department of Transportation, Office of the Secretary, Docket No. OST-2001-8696.
- Interpretation: The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning.
- Language Assistance Plan (LAP): An implementation plan to address the identified needs of the LEP populations it serves for use by employees serving the public. The plan should be periodically updated.
- Limited English Proficiency (LEP): U.S. Department of Transportation defines Limited English Proficiency as individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by Caltrans.
- Primary Language: The language in which an individual is most effectively able to communicate.
- Safe Harbor: Federal requirements indicate if a language is spoken by 1,000 people or 5 percent of the community's population, then that population qualifies for language assistance. If a recipient provides written translations under these circumstances, such action, will be considered strong evidence of the recipient's written translation obligations under Title VI.
- Translation: The act and process of translating written word from one language to another.
- Vital Documents: Documents that convey information that critically affects the ability of the recipient/customer to make a decision about his or her participation in the program. Examples of vital documents include, but are not limited to: applications; public notices; consent forms; letters containing important information regarding participation in a program; eligibility rules; notices pertaining to the reduction; denial or termination of services or benefits; right to appeal; notices

advising the availability of language assistance; and outreach and community education materials.

- Recipient: In the context of LAP requirements, any organization that receives federal funding.

## EXECUTIVE SUMMARY

The Caltrans Department of Rail and Mass Transit (DRMT) Language Assistance Plan's analysis identifies potential Limited English Proficiency (LEP) persons, their primary languages, how frequently they interface with Caltrans, how important that interaction is and what steps Caltrans DRMT takes to ensure effective communication with them. The Plan follows the regulatory framework of federal and state agencies and laws as well as the guidance provided by the U.S. Department of Transportation (DOT).

Caltrans DRMT used DOT's guidance to assess the answers to four questions concerning LEP persons. These questions comprised the required Four Factor Analysis:

1. What is the **number and proportion** of LEP persons served or encountered in the eligible service population (the 12 statewide Caltrans Districts)?
2. What is the **frequency** with which LEP persons come in contact with the services, programs or activities of the Caltrans DRMT?
3. What is the **nature and importance** of the services, programs or activities Caltrans DRMT provides to LEP persons?
4. What are the **resources available** for Caltrans DRMT's use in serving LEP persons and related costs?

**Factor one** is comprised of a demographic profile produced by research obtained from U.S. Census data and other sources. This factor included personal interviews with key District Title VI liaisons. Significant demographic data is part of this plan's appendices and is also contained on additional available data discs. For study purposes, it was determined that demographic data from each of 12 Caltrans Districts would be the most informative.

While this demographic analysis illustrated that the five top languages represented by populations vary between Districts (e.g., one District might see Vietnamese in the top five while another had more Russian speakers), all Districts in the state featured Spanish as the top language and had Chinese in the top five. The data also showed a large number of additional languages that exceeded either 1,000 individuals or 5 percent of the District's population, numbers which define the Safe Harbor requirements of Title VI. This finding significantly impacts the conclusions and recommended final Language Assistance Plan (LAP) in this document.

Interviews with District staff, with a particular focus on those involved in Title VI administration, resulted in two important findings:

1. Very few Caltrans DRMT staff interact with LEP persons, primarily because the "customer base" of the Division mostly consists of transit agencies, planning agencies and community-based organizations, whose management staff are not LEP persons.

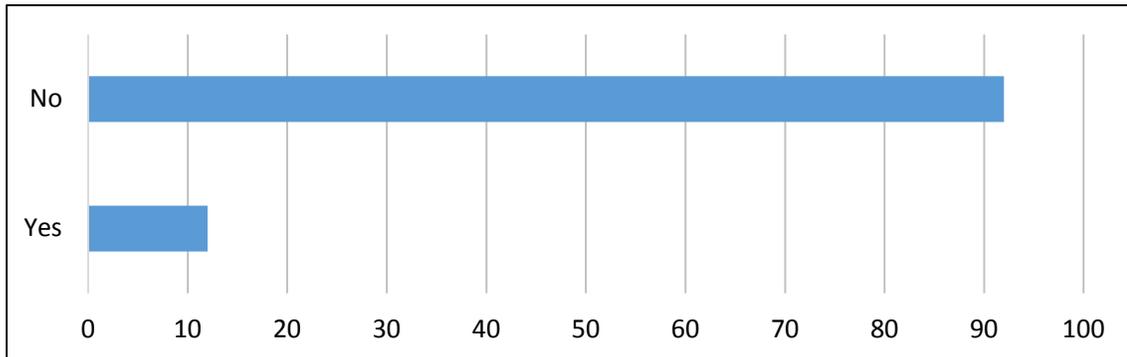
- All interview respondents are aware of Caltrans LEP policies and procedures and feel confident they are being used.

**Factors two and three**, considered together, revealed similar information from a survey of the Division’s customers. For the purpose of this report, a customer of Caltrans DRMT is defined as a Caltrans administered state and federal grant recipient (i.e. transit agencies, municipalities, planning agencies and community-based organizations).

Of 104 survey respondents, only 12 indicated that there existed some agency/organization staff they considered as having limited English proficiency (12 percent). Of the remaining survey respondents, 92 (88 percent) said that no agency/organization staff members would be considered LEP. Of the 12 who identified some LEP persons among their staff, the only language indicated for those LEP persons was Spanish.

**Figure 1. Number of LEP Staff Members**

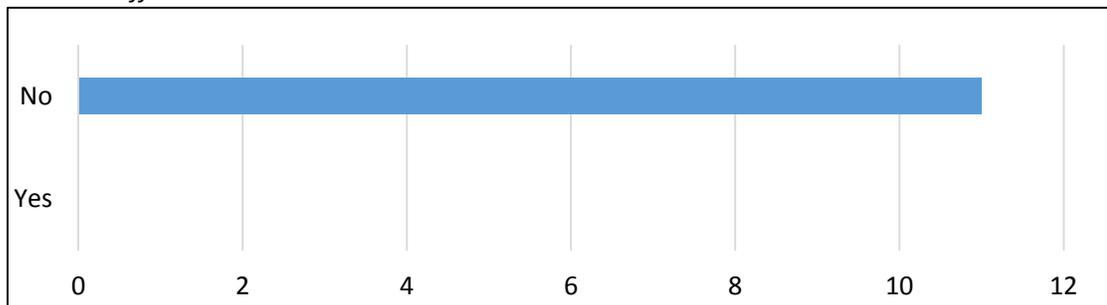
*Are there any members of your staff who are considered Limited English Proficient (LEP) individuals? Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.*



However, importantly, no one indicated that any LEP staff members had any contact with Caltrans DRMT.

**Figure 2. Contact between Caltrans DRMT and LEP Staff**

*Do LEP staff members come into contact with Caltrans DRMT?*



Similarly, when asked whether any of their agency/organization’s LEP customers (transit riders, for instance) came in contact with Caltrans DRMT, only seven survey respondents said yes (7 percent), with 94 saying no (93 percent). Four languages were mentioned as having been used by LEP customers who had contact with Caltrans DRMT: Korean, Spanish, Tagalog and Vietnamese.

Mirroring the very small internal Caltrans LEP population, of the seven survey respondents that indicated LEP customer contact with Caltrans DRMT, all said that any contact between the two groups was infrequent.

**Factor four**, which looks at available resources for LEP individuals, identified a variety of LEP services and materials, including translation services and online resources. Resources available outside of Caltrans, including guidance documents from the Department of Justice and the Federal Interagency Working Group on Limited English Proficiency are also listed.

### ***Conclusions from the Four-Factor Analysis***

Interviews with Caltrans DRMT managers and customer surveys lead to three general conclusions:

1. The incidences of contact between Caltrans DRMT staff and LEP individuals are rare and for many employees have never occurred.
2. Federal policy guidance (Federal Department of Transportation Office of the Secretary, Docket No. OST-2001-8696) concerning steps necessary to serve LEP individuals – and the flexibility recipients have in doing so – can be specifically applied to Caltrans DRMT. The Division’s conclusion is that it would be an expensive and unreasonable burden to have to supply translations or other services for the many languages identified in the demographic profile when there is no record of any LEP individuals using those languages contacting the Division.

*“This policy guidance does not require DOT recipients to ... take unreasonable or burdensome steps in providing LEP persons access.”*

*“The Department continues to believe that costs are a legitimate consideration in identifying the reasonableness of particular language assistance measures...”*

*“The recipient may conclude that different language assistance measures are sufficient to ensure meaningful access to the different types of programs or activities in which it engages.”*

*“Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.”*

3. The system that Caltrans DRMT has in place to serve LEP customers is fully sufficient to that task, given the results obtained in the research.

The resulting Caltrans DRMT Language Assistance Plan (LAP) reflects these conclusions and documents the existing LEP process and resources that will continue as the backbone of Caltrans DRMT language assistance efforts.

## INTRODUCTION/BACKGROUND

The California Transportation Agency (Caltrans) Division of Rail and Mass Transit (DRMT) *Language Assistance Plan* (LAP) has been prepared to ensure that Caltrans DRMT “customers” are not burdened with Limited English proficiency (LEP) in their efforts to communicate with the Division. The LAP’s analysis identifies potential LEP persons, their primary languages, how frequently they interface with Caltrans, how important that interaction is and what steps Caltrans DRMT takes to ensure effective communication with them. The research involved includes identification of the numbers of individuals in various language groups and what these languages are.

The U.S. Department of Transportation (DOT) defines an LEP person as an “individual with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individual is to have an equal opportunity to participate effectively in or benefit from any aid or service provided by Caltrans.”

## REGULATORY FRAMEWORK

Section six of Title VI of the Civil Rights Act of 1964 provides that “no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Caltrans DRMT falls under that definition as the recipient of federal funding for transportation projects. The “national origin” protected category gives the statutory authority of nondiscrimination in the provision of services to individuals with LEP.

### **Executive Order 13166**

Presidential Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, directs recipients of federal funds to “examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the [recipient].”

### **U.S. Department of Transportation Policy Guidance**

The Department of Transportation (DOT) issued the document *Policy Guidance Concerning Recipients Responsibilities to Limited English Proficiency (LEP) Persons* (Docket No. OST-2001-8696) to assist recipients of federal funding in the preparation of required Language Assistance Plans. That guidance is heavily reflected in this plan.

### **State Authority**

The Dymally-Alatorre Bilingual Services Act requires all state departments involved in furnishing information or rendering services to the public, whereby contact is made with a substantial number (5 percent) of non-or limited English speaking people shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure information and services are provided in the language of the non-English speaking person.

## GUIDANCE: PROVIDING “MEANINGFUL ACCESS”

Caltrans DRMT used the guidance to assess the answers to four questions concerning LEP persons:

1. What is the **number and proportion** of LEP persons served or encountered in the eligible service population (the 12 statewide Caltrans Districts)?
2. What is the **frequency** with which LEP persons come in contact with the services, programs or activities of the Caltrans DRMT?
3. What is the **nature and importance** of the services, programs or activities Caltrans DRMT provides to LEP persons?
4. What are the **resources available** for Caltrans DRMT’s use in serving LEP persons and related costs?

These questions are answered in the Four Factor analysis provided below.

## FOUR FACTOR ANALYSIS

“Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:”

- DOT Guidance

### Research Methodology

Methods to complete the Four Factor Analysis and produce this plan are comprised of primary research and analysis. Critical to the process:

- Demographic Profile: An examination of demographics in each of the 12 Caltrans Districts took place to ascertain both ethnic and LEP population percentages.
- Personal Phone Interviews: A phone interview was conducted with the Title VI liaisons in each Caltrans District to collect data and input for all of the four factor questions.
- Online Survey: Using a database of Caltrans DRMT customers, comprised primarily of regional transit agencies, municipalities and a number of community-based organizations, an online survey was distributed, seeking specifics about levels of LEP persons among the staff at their agency/organization, their primary languages, how often contact with Caltrans DRMT occurred, and the nature and importance of that contact.
- LAP Reviews: A number of approved LAP documents were researched and reviewed to determine how the Caltrans DRMT Plan might be constructed. This included, among others, plans for agencies from Baltimore, New York, Hawaii, New York City, Washington State, the U.S. Department of Transportation itself and Caltrans’ own *Office of Business & Economic Limited English Proficiency Opportunity’s 2010 Language Assistance Plan*.

- Data Analysis: All collected data was analyzed to determine if LEP populations existed, how they were served and what processes the Division had in place to ensure compliance with applicable regulations.

### ***Factor One: Number and Proportion of LEP Persons***

“The number or proportion of LEP persons served or encountered in the eligible service population should be assessed.”

- DOT Guidance

The LAP is developed to meet the specific needs of LEP individuals eligible to be served or encountered by Caltrans DRMT. For this reason the factor one analysis included the following assessments:

- Identification of LEP communities and assessment of the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group
- Explanation of how LEP persons interact with Caltrans DRMT administered programs
- Determination of whether LEP persons are underserved by Caltrans DRMT administered programs due to language barriers

The following methods were used to complete factor one:

- Demographic profile data collection, analysis and compilation
- Caltrans District Title VI Liaisons and other staff interviews

All research resources, tools, and data are compiled in **Appendix A. Factor One Research & Data**. The following is a summary of key findings resulting from each of the four assessments listed above.

#### Number and Proportion of LEP Persons Served or Encountered by Caltrans DRMT

According to DOT guidance, the eligible service population is identified as “program-specific.” For this reason, Caltrans DRMT designated the relevant service area as the geographic area served by each of its 12 District offices. The following are key findings from a demographic analysis of the entire State of California, prepared along District lines as illustrated in **Figure 3** and using U.S. Census Bureau Language Department approved databases for analyzing LEP populations along various geographies and populaces.

**Figure 3. Caltrans 12 District Areas**



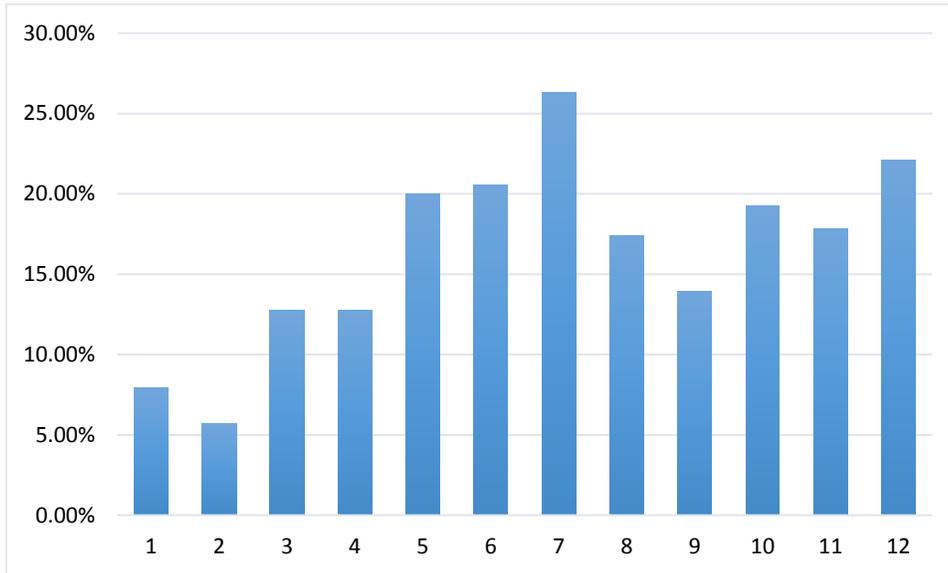
The U.S. Census 2015 five-year American Community Survey data shows that of the 34,914,428 combined population of the 12 Districts, 7,166,465 individuals are considered LEP persons as indicated by population subcategories who speak English “less than very well.” As shown in **Figures 4 and 5**, District 7, which covers Los Angeles and Ventura counties, has the highest percentage of LEP persons (26.33 percent), with Districts 12, 6, and 5 closely following. The District with the lowest percentage of LEP persons (5.74 percent) is District 2.

**Figure 4. LEP Population by District**

District	Total Population	LEP Population	LEP Percentage
1	296,871	26,562	7.94%
2	284,066	16,312	5.74%
3	2,427,643	310,166	12.78%
4	6,723,129	1,310,166	12.78%
5	1,335,086	267,452	20.03%
6	2,296,188	267,657	20.54%
7	9,955,845	2,621,856	26.33%
8	3,911,832	680,746	17.4%
9	307,068	4,281	13.91%
10	1,493,886	287,272	19.23%
11	3,054,808	544,413	17.82%
12	2,828,006	625,183	22.11%
<b>TOTAL</b>	<b>34,914,428</b>	<b>7,166,465</b>	<b>20.52%</b>

Source: U.S. Census Bureau ACS 2009-2012

**Figure 5. LEP Population as a Percentage of Total District Population**



Source: U.S. Census Bureau ACS 2009-2012

As illustrated in **Figure 6**, Spanish and Spanish Creole was the top LEP language found in all 12 Districts with over 42 percent of the LEP population speaking the language in each District. Chinese is also identified as a top LEP language in each of the 12 Districts, with Tagalog and Vietnamese closely following with a presence in eight of the 12 Districts.

**Figure 6. Top 5 LEP Languages by District**

District	Languages	LEP Population	Percentage of LEP population that speaks the language
1	Spanish or Spanish Creole	15,379	65.27%
	Chinese	843	3.58%
	Tagalog	544	2.31%
	Hmong	472	2.00%
	Vietnamese	395	1.68%
2	Spanish or Spanish Creole	6,857	42.04%
	Russian	863	5.29%
	Chinese	671	4.11%
	Vietnamese	576	3.53%
	Korean	510	3.13%
3	Spanish or Spanish Creole	137,990	44.49%
	Chinese	27,032	8.72%
	Russian	18,173	5.86%
	Vietnamese	17,935	5.78%
	Hmong	17,042	5.49%
4	Spanish or Spanish Creole	556,361	42.45%
	Chinese	275,774	21.04%
	Vietnamese	104,043	7.94%
	Tagalog	88,779	6.77%
	Korean	36,347	2.77%

District	Languages	LEP Population	Percentage of LEP population that speaks the language
5	Spanish or Spanish Creole	226,016	84.51%
	Tagalog	6,628	2.48%
	Chinese	4,423	1.65%
	Korean	4,019	1.50%
	Vietnamese	2,730	1.02%
6	Spanish or Spanish Creole	392,968	83.32%
	Hmong	12,585	2.67%
	Other Indic Languages	11,875	2.52%
	Tagalog	8,272	1.75%
	Chinese	5,258	1.11%
7	Spanish or Spanish Creole	1,816,803	69.29%
	Chinese	211,593	8.07%
	Korean	121,801	4.65%
	Armenian	86,744	3.31%
	Chinese	5,258	1.11%
8	Spanish or Spanish Creole	554,377	81.44%
	Chinese	21,047	3.09%
	Tagalog	18,341	2.69%
	Vietnamese	15,847	2.33%
	Korean	13,136	1.93%
9	Spanish or Spanish Creole	2,468	57.65%
	Russian	121	2.83%
	Other Native American Languages	102	2.38%
	Korean	92	2.15%
	Chinese	84	1.96%
10	Spanish or Spanish Creole	194,981	67.87%
	Other Indic Languages	10,757	3.74%
	Tagalog	10,036	3.49%
	Mon-Khmer, Cambodian	7,991	2.78%
	Chinese	7,901	2.75%
11	Spanish or Spanish Creole	372,255	68.38%
	Tagalog	36,028	6.62%
	Vietnamese	27,038	4.97%
	Chinese	21,795	4.00%
	Arabic	10,150	1.86%
12	Spanish or Spanish Creole	367,663	58.81%
	Vietnamese	100,728	16.11%
	Korean	45,113	7.22%
	Chinese	30,424	4.87%
	Tagalog	12,311	1.97%

Sources: U.S. Census Bureau 2000; U.S. Census Bureau ACS 2006 – 2009; U.S. Census Bureau ACS 2009 - 2012

Per the Department of Transportation, a “safe harbor” provision exists regarding the requirements for translation of written materials. Under the “safe harbor” provision, if a language is spoken by a group of 1,000 people or 5 percent (whichever is less) of the population of persons eligible to be served or encountered by the recipient, then that group qualifies for language assistance. If a recipient provides

written translations of vital documents for these groups, such action, will be considered strong evidence of the recipient’s written translation obligations under Title VI. **Figure 7** below lists the safe harbor languages identified for all 12 Districts.

**Figure 7. Safe Harbor Languages Identified in Demographic Profile**  
Safe Harbor Languages (over 1,000 or 5 percent of District population)

African Languages	Italian	Polish
Arabic	Japanese	Portuguese or Portuguese
Armenian	Korean	Armenian
Chinese	Laotian	Portuguese or Portuguese
French (incl. Patois, Cajun)	Mon-Khmer, Cambodian	Creole
French Creole	Other and unspecified languages	Russian
German	Other Asian languages	Serbo-Croatian
Greek	Other Indic languages	Spanish or Spanish Creole
Gujarati	Other Indo-European languages	Tagalog
Hebrew	Other Pacific Island languages	Thai
Hindi	Other Slavic languages	Urdu
Hmong	Other West Germanic languages	Vietnamese
Hungarian	Persian	

**Sources:** U.S. Census Bureau 2000; U.S. Census Bureau ACS 2006 – 2009; U.S. Census Bureau ACS 2009 - 2012

Full demographic profiles for each of the 12 Districts can be found in **Appendix A2. District Demographic Profiles**. A detailed explanation of the sources of information for the demographic profiles can be found in **Appendix A3**.

Phone interviews were conducted with Title VI District liaisons to assess how LEP persons interacted with Caltrans DRMT administered programs and determine whether they were underserved due to language barriers. The phone interview questionnaire and the results from the interviews can be found in **Appendices A5 through A7**. The following is a summary of key findings from the interviews:

**Interaction with LEP Individuals:**

- Most of the interviewees engaged in communication with transit agencies and other Caltrans “customers” occasionally via email, phone or in person.
- The majority of interviewees said they rarely ever had contact with an LEP person at a customer agency/organization. Some indicated they had never encountered an LEP person in their jobs.
- The most commonly reported language of those few who did interact with a LEP person was Spanish.
- The majority of interviewees (19 persons) were not fluent in any other language besides English. Six interviewees did indicate fluency in one other language including: Portuguese, Spanish and Tagalog.

- The majority of interviewees said they could in fact imagine a situation in which they or their staff members might run into LEP individuals, even though very few such interactions were remembered. Examples:
  - Environmental justice meetings
  - Public meetings
  - Phone calls
  - In the office
  - Outreach activities
  - Any time an external customer contacts Caltrans for information
  - Running into a member of the public on the road who needs assistance and does not speak English (particularly for Maintenance and Construction Divisions)
  - An interview
  - Equal Employment Opportunities complaint
  - Customer complaints

### **Handling LEP Needs:**

#### Language assistance services by language:

- Interviewees indicated they turn to the guidance from the Title IV Division Liaison.
- Providing a translator or translated materials was the most common response to how Caltrans DRMT provides language assistance services.
- The majority (20 out of 25) of people interviewed said they do have staff that communicate directly with Caltrans DRMT customers and these staff members know who to contact to receive training on how to effectively communicate with LEP persons if needed.
- Most individuals indicated they knew there is a Caltrans Title VI website ([http://www.dot.ca.gov/hq/bep/title\\_vi/t6\\_index.htm](http://www.dot.ca.gov/hq/bep/title_vi/t6_index.htm)) where they could gather LEP-related information. Included on this website are various publications on customer's Title VI Rights, lists of people within Caltrans that could be used as interpreters, a form to report Title VI rights violations, Title VI program contacts, and links to related sites.

#### Notices to LEP persons about the availability of language assistance:

- All survey respondents stated that brochures defining Title VI rights were available for review by LEP persons either in the lobby of their facilities or online. Upon further analysis, no available brochures, however, appeared to be program specific.
- Respondents also indicated that additional online resources were available to assist LEP persons at the External Equal Opportunity Program – Title VI website ([http://www.dot.ca.gov/hq/bep/title\\_vi/t6\\_index.htm](http://www.dot.ca.gov/hq/bep/title_vi/t6_index.htm)). These online resources are mainly related to customers Title VI rights as opposed to covering program specific information.

- Respondents demonstrated clear knowledge of Title VI/LEP requirements, policies, and processes within the Division/District.

Methods for monitoring, evaluating, and updating the Language Assistance Plan:

Currently Caltrans DRMT updates the Language Action Plan once every three years in accordance with Department of Justice guidance, which states, “Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees.”

Translation of vital documents consistent with the Safe Harbor Provision:

Caltrans Office of Business and Economic Opportunity has provided guidance as to the determination of documents vital for translation under the Safe Harbor Provision in its LEP Plan. To date there have been no vital documents determined to need translating.

Employee and sub-recipient training on the provision of timely and reasonable language assistance to LEP populations:

- More than half (15 out of 25) of interviewees said that employees in their District are well aware of the Title VI requirements to serve LEP individuals and there is a required online Title VI training that must be retaken every two years.
- Most of the interviewees stated they were aware that it is important to be trained when communicating with LEP individuals.
- Training materials and tactics included PowerPoint presentations, webinars, and in-person seminars. In addition, there was a 15 minute mandatory training module available on the Caltrans intranet ([http://onramp/hq/bep/online\\_training/](http://onramp/hq/bep/online_training/)) provided by the Office of Business and Economic Opportunity.

***Factors Two and Three: Frequency of Contact and Nature and Importance of the Contact***

“Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily.”

- DOT Guidance

“The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed.”

- DOT Guidance

Caltrans DRMT does not currently collect data from its customers on their level of English proficiency. For purposes of this assessment and to ascertain major points of contact and frequency between LEP persons and Caltrans DRMT programs (factor two), as well as the nature and importance of such contact (factor three) an online survey was distributed to a database comprised of Caltrans customers – primarily consisting of transit agencies, planning agencies municipalities and community-based organizations such as charitable organizations, health care agencies and others who receive federal funding through Caltrans (**Appendix B1**). Out of 237 survey requests distributed, 107 respondents – a robust 45 percent return rate – provided fully sufficient information to consider the survey representative of the entire customer population. The survey questionnaire and responses to the questionnaire can be found in **Appendices B2 through B3**. The following is a summary of salient information for factors two and three.

**Frequency of Contact:**

All Respondents

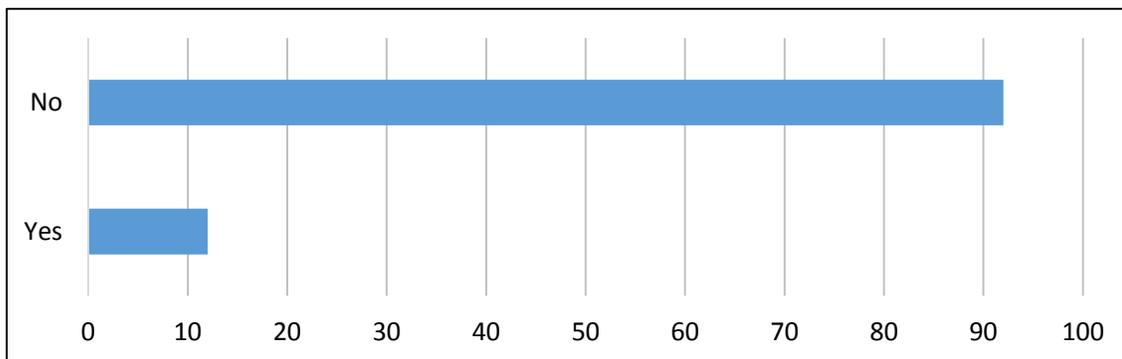
- About 71 percent of survey respondents have direct contact with Caltrans DRMT personnel.
- Contact frequency between survey respondents and Caltrans DRMT personnel is divided, but a combined 50 percent have infrequent or no contact with Caltrans DRMT. Only five respondents indicated contact one or more times weekly.

Limited English Proficiency

- Of 104 survey respondents, only 12 indicated that there existed some agency/organization staff they considered as having limited English proficiency (12 percent). Of the remaining survey respondents, 92 (88 percent) said that no agency/organization staff members would be considered LEP.

**Figure 8. Number of LEP Staff Members**

*Are there any members of your staff who are considered Limited English Proficient (LEP) individuals? Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.*

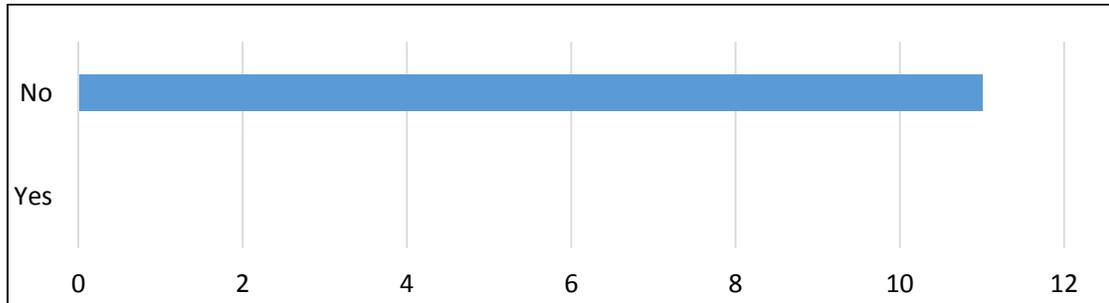


- Of the 12 that identified some LEP persons among their staff, the only language indicated for those LEP persons was Spanish.

- However, importantly, no one indicated that any LEP staff members had any contact with Caltrans DRMT.

**Figure 9. Contact between Caltrans DRMT and LEP Staff**

*Do LEP staff members come into contact with Caltrans DRMT?*



- Similarly, when asked whether any of their agency/organization’s LEP customers (transit riders, for instance) came in contact with Caltrans DRMT, only seven survey respondents said yes (7 percent), with 94 saying no (93 percent). Four languages were mentioned as having been used by LEP customers who had contact with Caltrans DRMT: Korean, Spanish, Tagalog and Vietnamese.
- Mirroring the very small internal Caltrans LEP population, of the seven survey respondents who indicated LEP customer contact with Caltrans DRMT, all said that any contact between the two groups was infrequent.
- While 31 percent of survey respondents indicated Caltrans participation in their public outreach events, for the most part public and commission meetings, 69 percent said there was none.
- Of those that indicated Caltrans participation in their public outreach events, only 10 percent (3 respondents) noted that the identified events required any language assistance, while 90 percent said none was required. **Note:** In the cases where language assistance was required, the responsibility for language assistance would fall to the customer, not the Caltrans DRMT staff.
- Of the customers surveyed, 89 percent of respondents’ organizations had completed a Language Assistance Plan, while another 6 percent were in the process of completing one or planning to complete one in the future. Five percent of respondents said none was required for them.

**Nature and Importance of Contact:**

All Respondents

- About 75 percent of survey respondents considered their Caltrans DRMT contact as “extremely important” in the execution of their jobs. Even those who said they did not need such contact to do their jobs indicated that contact with Caltrans DRMT improved the quality of their work.

### Limited English Proficiency

- Consistent with other findings, the contact between Caltrans DRMT and its customers was rarely, if ever, related to LEP issues.

The overriding finding for factors two and three is there is very limited contact between LEP individuals, either among Caltrans DRMT customers or those customers' customers, and Caltrans DRMT.

### **Factor Four: Available Resources**

“A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger burdens. In addition, “reasonable steps” may cease to be reasonable where costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.”

-DOT Guidance

There are numerous resources available to Caltrans DRMT in order to serve LEP persons:

- Bilingual Staff: A current list of bilingual staff is available to all Caltrans employees and is accessible through the Caltrans intranet (**Appendix C1**).
- “I speak” Cards or Language Identification Flashcards: These cards, developed by the U.S. Census Bureau, have the phrase “Mark this box if you read or speak (name of language)” translated into 38 different languages. They are used by government and non-government agencies to identify the primary languages of LEP persons during face-to-face contact. The Census Bureau’s Language Identification Flashcard can be downloaded for free at <http://www.lep.gov/ISpeakCards2004.pdf>.
- Qualified Interpreters: Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially. The interpreter should be able to interpret both receptively and expressivity, using any necessary specialized vocabulary. Rates vary by contractor.
- Telephone Interpretation: Caltrans has a contract with Language Line Solutions (**Appendix C2**), which provides access to over 2,500 U.S. based interpreters. The service is available 24 hours a day, 7 days a week, and 365 days a year in more than 150 languages. The cost for use is as follows:

<u>Minutes per month</u>	<u>Rates for all languages</u>
0-unlimited	\$1.25 in 6 second increments

- Training: Staff is trained on the procedures of providing language assistance and how to determine whether and what type of language services a customer needs. Training costs are limited to staff time.

- Language Assistance Volunteers: An established list of employees who are willing to act as interpreters as needed is available. Associated cost are limited to staff time.
- Community Volunteers: The State Personnel Board Bilingual Services Program has initiated contact with Community-Based Organizations (CBOs), private entities and vendors throughout the State available to provide external support if internal staff is unavailable. There is no associated cost with this service.
- External Interpreter/Translation Services: The California Multiple Award Schedule (CMAS) has a full list of State translation and interpretation contacts if a paid translation service is deemed necessary. Rates vary by contractor.
- Interagency Working Group on LEP: Executive Order 13166 created the Interagency Working Group on LEP. They developed a website, [www.lep.gov](http://www.lep.gov), which includes links to Executive Order 13166 and the DOJ guidance documents. In addition, it provides information, tools, and technical assistance regarding Limited English Proficiency and language services for federal agencies, recipients of federal funds, users of federal programs and federally assistant programs, and other stakeholders. Publications available include “Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs” (Department of Justice, 2011), “Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs” (Department of Justice, 2011), “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient (LEP) Persons” (Federal Transit Administration, 2007), “Limited English Proficiency: What Federal Agencies and Federally Assisted Programs Should Know About Providing Services to LEP Individuals” (Department of Justice, 2013), and “Top Tips From Responses to the Survey of Language Access Strategies Used by Federal Government Agencies” (Federal Interagency Working Group on Limited English Proficiency, 2008). All guidance documents are available free of charge.

### ***Conclusions from the Four-Factor Analysis***

Interviews with Caltrans DRMT managers and customer surveys lead to three general conclusions:

1. The incidences of contact between Caltrans DRMT staff and LEP individuals are rare and for many employees have never occurred.
2. Federal policy guidance (Federal Department of Transportation Office of the Secretary, Docket No. OST-2001-8696) concerning steps necessary to serve LEP individuals – and the flexibility recipients have in doing so – can be specifically applied to Caltrans DRMT. The Division’s conclusion is that it would be an expensive and unreasonable burden to have to supply translations or other services for the many languages identified in the demographic profile when there is no record of any LEP individuals using those languages contacting the Division.

*“This policy guidance does not require DOT recipients to ... take unreasonable or burdensome steps in providing LEP persons access.”*

*“The Department continues to believe that costs are a legitimate consideration in identifying the reasonableness of particular language assistance measures...”*

*“The recipient may conclude that different language assistance measures are sufficient to ensure meaningful access to the different types of programs or activities in which it engages.”*

*“Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.”*

3. The system that Caltrans DRMT has in place to serve LEP customers is fully sufficient to that task, given the results obtained in the research.

## LANGUAGE ASSISTANCE PLAN

*“After completing a four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations it serves. Although recipients have considerable flexibility in developing such a plan, maintaining a periodically updated written plan on language assistance for LEP persons for use by recipient employees serving the public would be an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans may also provide additional benefits to a recipient’s managers in the areas of training, administration, planning, and budgeting. Thus, recipients may choose to document the language assistance services in their plan, and how staff and LEP persons can access those services.”*

- DOT Guidance

### ***Plan Introduction***

The four factor analysis on behalf of Caltrans Division of Rail and Mass Transportation (DRMT) has documented the very limited contact between the Division and Limited English Proficiency (LEP) persons. It has also cataloged the Division’s current activities that support those rare occasions of contact by LEP persons. The Language Assistance Plan (LAP) that follows responds to these two realities with a practical and realistic LAP that satisfies the federal requirements in the guidance quoted throughout this document.

The LAP activities and resources identified here represent the system and services already in place at the Caltrans DRMT and, through this assembly of details, constitutes the Division’s LAP.

### ***Purpose of the Language Assistance Plan***

The purpose of the Caltrans DRMT LAP is to provide the necessary policy guidance and tools for Caltrans DRMT staff in order to ensure the Division adequately serves the needs of LEP individuals whom they serve.

### ***Caltrans DRMT Language Assistance Services***

#### **Caltrans DRMT Available Services**

- Title VI administrators maintain authority over LEP service policies and Title VI representatives in all 12 Caltrans Districts statewide.
- A Title VI administrator maintains LEP responsibility in each of the 12 Districts.
- A translator or a translation service is available to LEP individuals who call into the Districts. This includes calls to the Caltrans hotline.
- Notification of available translation services exists on Caltrans hotlines and websites.
- There is clear staff knowledge of Title VI/LEP requirements, policies, and processes within the Districts.

## Available Resources

There are a number of resources available to Caltrans DRMT – and therefore to its LEP customers – in order to serve LEP individuals:

- *Bilingual Staff*: A current list of bilingual staff is available at on the Caltrans intranet, [http://onramp/hq/bep/online\\_training/](http://onramp/hq/bep/online_training/) (**Appendix C1**).
- *“I speak” Cards or Language Identification Flashcards*: These cards, developed by the U.S. Census Bureau, have the phrase “Mark this Box if you read or speak (name of language)” translated into 38 different languages. They are used by government and non-government agencies to identify the primary languages of LEP individuals during face-to-face contact. The Census Bureau’s Language Identification Flashcard can be downloaded for free at <http://www.lep.gov/ISpeakCards2004.pdf1090>.
- *Qualified Interpreters*: Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially. The interpreter should be able to interpret both receptively and expressivity, using any necessary specialized vocabulary.
- *Telephone Interpretation*: Caltrans has a contract with Language Line Solutions (**Appendix C2**), which provides access to over 2,500 U.S. based interpreters. The service is available 24 hours a day, 7 days a week, and 365 days a year in more than 150 languages.
- *Language Assistance Volunteers*: An established list of employees who are willing to acts as interpreters as needed is available.
- *Community Volunteers*: The State Personnel Board Bilingual Services Program has initiated contact with Community-Based Organizations (CBOs), private entities and vendors throughout the State available to provide external support if internal staff is unavailable.

## Noticing Efforts to LEP Persons Regarding Language Assistance

- Availability of translation services is indicated in Title VI information as outlined in the Available Resources section above.
- Additional online resources are available to assist LEP persons at the External Equal Opportunity Program – Title VI website ([http://www.dot.ca.gov/hq/bep/title\\_vi/t6\\_index.htm](http://www.dot.ca.gov/hq/bep/title_vi/t6_index.htm)).

## Monitoring and Updating of the Caltrans DRMT LAP

Caltrans DRMT updates the Language Action Plan once every three years in accordance with DOJ guidance that states, “Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees.”

## ***Caltrans DRMT Staff and Sub-Recipient Training***

Staff is trained on the policies and procedures of providing language assistance services and how to determine whether and what type of language services a customer needs, with mandatory renewal training every two years.

Title VI administrative support and online resources are available to staff. They are also made aware of additional online training resources beyond the required courses. The following is an outline of some of the training content available:

- Language services available to LEP persons
- How to access and supply them
- How to respond to LEP callers
- How to respond to written inquiries
- How to respond in person
- How to ensure quality translation services

## **PLAN ADDITIONS**

Beginning with the 2015 LAP, the following activities become part of Caltrans DRMT's LEP service array:

- An annual survey of the 12 Caltrans DRMT Title VI District administrators and others involved in LEP services responsibilities to assess the level of compliance with the Caltrans DRMT LAP and ideas from the field on LAP enhancements
- A "District Survey" that District Title VI administrators will use to query "frontline personnel" (front desk and hotline staff) on LAP implementation
- A record-keeping system to log LEP calls directly to Caltrans DRMT, the inquirer's language and the outcomes
- A library of past and present training materials, made available online to Caltrans DRMT staff